

Sub E1  
B1  
imposed by law on the transfer of biological material or its transportation in commerce.

Applicant does not waive any infringement of its rights granted under this patent or under the Plant Variety Protection Act (7 USC 2321 et seq.).

**In the Claims**

Please amend claims 1, 5, and 7 as follows:

B2  
1. (Amended)

Hybrid maize seed designated 31R88, representative seed of said hybrid 31R88 having been deposited under ATCC accession number PTA-4272.

B3  
Sub E3  
5. (Amended)

A tissue culture of regenerable cells of a hybrid maize plant 31R88, representative seed of said hybrid maize plant 31R88 having been deposited under ATCC accession number PTA-4272, wherein the tissue regenerates plants capable of expressing all the morphological and physiological characteristics of said hybrid maize plant 31R88.

B4  
7. (Amended)

A maize plant, or its parts, regenerated from the tissue culture of claim 5 and capable of expressing all the morphological and physiological characteristics of hybrid maize plant 31R88, representative seed having been deposited under ATCC accession number PTA-4272.